

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.404 of 2020**

Arising Out of PS. Case No.-31 Year-2019 Thana- SC/ST District- Saran

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1. Shri Ram Prasad Vidyarthi, aged about 40 years (Male), Son of Ramdeo Pandit @ Shambhu Pandit, Resident of Village Rasulpur, P.S. Rasulpur, District Saran.
  2. Pratima Devi @ Renu Devi, aged about 34 years (Female), Wife of Ram Prasad Vidyarthi, Resident of Village Rasulpur, P.S. Rasulpur, District Saran.
- ... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ramchandra Sahni  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA  
ORAL ORDER**

3      23-02-2021                      Heard both sides.

The appellants filed this appeal under Section 14A (2) of the SC/ST (POA) Amendment Act, 1989 against the order dated 20.11.2019, passed in ABP No.3142 of 2019 and for grant of anticipatory bail in SC/ST Bhagwan Bazar P.S. Case No.31 of 2019, registered under Sections 419, 420, 467, 468, 471, 500 and 504 of the Indian Penal Code and under Sections 3(i)(x) of the SC/ST Act.

In sum and substance, the informant in his complaint petition alleged that the appellants took Rs.1,55,000/- in cash and he transferred Rs.1,56,000/- in the account of appellant no.1 but the appellants did not provide job to the family members of the informant. When the informant demanded money, the appellants



are alleged to have abused and threatened the informant.

Learned counsel for the appellants submits that the appellant no.1 is a teacher and appellant no.2 is working as *Sevika* in *Aanganwari*. The father of the informant was working as a teacher. The informant gave money in the account of appellant no.1 for some other work. There was no assurance by the appellants to provide job to the informant or his family members. The informant being the member of scheduled caste took advantage of the fact and lodged this case under different sections of the SC/ST Act. The dispute is of purely civil nature.

Learned counsel for the informant as well as the learned Special P.P., however, vehemently opposed the prayer for anticipatory bail and submit that during the course of investigation, the appellants executed bail bonds in the police station and, therefore, the anticipatory bail petition is not maintainable. It is further submitted that the informant deposited money in the account of appellant no.1. The appellants assured to provide job to the informant or his family members but the informant was cheated and, therefore, the appellants do not deserve anticipatory bail.

Having considered the facts, it appears that appellant no.1 is a teacher and he was working with the father of the informant who was also a teacher. The informant of course filed



complaint petition alleging therein that appellant no.1 demanded money to provide job and he deposited Rs.1,56,000/- in the account of appellant no.1, but there is no material to show that the money was deposited only for providing job and the police officer has got no jurisdiction to grant bail to such a person who is an accused in a non-bailable offence, therefore, execution of bail bonds by the appellants is meaningless.

Taking into consideration the facts and the fact that it appears that the dispute is of civil nature, the appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, 1<sup>st</sup>, Saran at Chapra in connection with SC/ST Bhagwan Bazar P.S. Case No.31 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The order dated 20.11.2019, passed in ABP No.3142 of 2019 is set aside. The appeal is allowed accordingly.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

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